

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 16, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., November 16, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Don Stapley, Vice Chairman, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Bill Scalzo, Assistant County Manager, Community Services, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, Internal Audit, led the assemblage in the Pledge of Allegiance.

**HUMAN SERVICES CAMPUS STATUS AND RECOGNITION**

Chairman Wilson referenced the ribbon cutting and opening of the newly completed Human Services Campus, calling it a huge success because it represented so much time and effort and so many different people's cooperation to bring it to fruition. (ADM2519)

Supervisor Brock said that this Campus indicates the leadership role of the County in working closely with the city, state and private sector in a community-wide project that was greatly needed and long overlooked. He said that this facility will focus efforts on assisting the homeless in a variety of ways that include job placement, temporary housing and food and shelter. This effort to aid those needing these services represents a move towards the dignity and respect due to all County residents. He added that getting this project completed, "Has been a very exciting time for Maricopa County and I'm glad to have been a part of it."

Supervisor Wilcox said, "We started out with a simple mission, coordinating services for homeless and at-risk people in the inner city, and that (mission) would impact all of Maricopa County." She added, "We took that simple mission and put it into action ... and that simple mission turned into a whole campus of caring." She felt the completion, "Couldn't have come at a nicer time – to start the holidays out and really celebrate the spirit of giving."

Supervisor Kunasek said he began his awareness of homeless issues shortly after finishing college when he moved to the downtown area and lived there for the next 10 years. He felt this experience gave him a special awareness of the plight and tragedies some of the people this Campus was designed to serve face day in and day out. He said, "In not dealing with it (the increasing number of homeless people), it stifled positive development of the downtown area, which has now been replaced with a renaissance and new confidence in coming downtown." He expressed pride in how the private sector and the community providers came together, setting parochialism aside, to provide collectively for the community as a whole in a very positive way. He added, "Phoenix is aptly named as it is rising once again, and I want to thank everybody who had a part in that process."

Supervisor Stapley referenced the recent anonymous donation to the Campus of a \$3.1 million commitment and another recently received donation of \$100,000 from Mr. Schultz, which were gratefully received to help defray the approximate balance due of \$7 million. He said, "To be even a part of this was

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really the highlight of my public service career.” He added his kudos to those from the rest of the Board in lauding County workers and staff involved in developing, fund raising and implementation of this innovative and successful effort. He also recognized Secretary of State Jan Brewer for her early support of the idea when she was a member of the Board, and saluted the single-minded commitment that County Manager David Smith has given, which contributed greatly to its success. He added that, when explaining the lengthy process to others, he often uses a phrase that he attributed to one made by Mr. Smith during an earlier discussion on the Campus, “It is only once in a generation that we see a project of this magnitude.” He said that while the receipts needed to complete this project still fall short of the sum total of \$26 million, “this Board is committed to seeing this important generational kind of event through to completion.”

Chairman Wilson also recognized Jan Brewer’s interest in creating a place for better service to the homeless while still a Supervisor, saying, “This is one of the charges Jan turned over to me when I was appointed to complete her term on this Board (when she resigned to run for Secretary of State), and I couldn’t have been more delighted to have it.” He expressed his appreciation for all those showing such great interest and dedication to the Campus project and said, “You make us all proud.”

David Smith called on those County employees in the audience who worked so hard to solve the myriad of roadblocks and other problems that brought life to the shared vision for such a project, to stand and be recognized. Lastly, he recognized Linda Mushkatel, who chaired the project. Mr. Smith and Chairman Wilson presented her with a bouquet of flowers, a crystal vase inscribed with a sterling recognition plate, and a small piece of the blue ribbon from the ribbon cutting ceremony. Mr. Smith agreed with Mr. Stapley that this was a unique kind of project, as many others have been that the County has undertaken, including Bank One Ballpark and the County-wide Trails Program. He said, “This County does have resourcefulness in figuring out how to do important things for our community, (things) that we all believe in, and we certainly believed in this one.”

Mr. Smith next gave an update on happenings at the Day Resource Center when he dropped in, unannounced. The people manning the Center saw 120 people the first day it was open. Counselors talked to many of these about job placements and opportunities for ways to do things in their lives “differently.” He said, “You could see a very positive kind of excited ‘buzz’ in the groups of people that were sitting around tables in the Center with some talking as clients and others talking as professionals.”

He had also been present at the ribbon cutting ceremony for Healthcare for the Homeless that he said “would formally begin to see patients today.” In addition, he visited the CASS dental clinic saying, They are already treating patients and, at the same time, training students from a dental hygiene school. Smith was there at 3:00 p.m. and reported that people were already beginning to line up for overnight stays. He expressed confidence that the providers would take this project and add even more enhancements as they work to solve the problem of dislocated and homeless people. Mr. Smith said, “The place is working as designed.”

The County Manager thanked the Board members for their personal and collective support and words of encouragement throughout the project, which he said “made the difference” for its success. A video presentation celebrating the Human Services Campus and some of the workers and recipients who have been and are continuing to be involved in the daily workings was shown. The video will be used at meetings throughout the County to inform the public of what has been accomplished to help move the homeless off the streets and into more productive lifestyles.

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**CODE ENFORCEMENT REVIEW – JASON F. AND MICHELLE HAASE**

(Note: This item was moved to an early position in the meeting to assist the applicant's schedule.)  
Chairman Wilson called for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2003-01215, Jason F. and Michelle Haase. (Supervisory District 1) (ADM3417-032)

Darren Gerard said a citizen complaint was received from neighbors of Mr. and Mrs. Haase in September 2003 and investigation verified an unpermitted swimming pool, horse stalls, shed and a home addition. It was later learned that the pool and stalls had been installed by a previous owner and they are not part of this case. As-built permits were required for all involved structures and were submitted on March 5, 2004. Applicants were advised a month later that the site plans were insufficient. On September 14, 2004, a hearing was scheduled before a Zoning Hearing Officer when it was learned that the owners had not reapplied for permits. On June 7, 2005, there was a second hearing regarding an order to show cause on adding additional penalties. Notice was given at that hearing that no progress had been made on the building permit applications. No permits have been issued to date, but a new submittal came in two weeks ago and is currently under review. Mr. Gerard urged the Board to uphold the Hearing Officer's order on the accrued fines, which currently total \$13,110. Mr. and Mrs. Haase have requested another continuance for this matter.

Michelle Haase handed the members a timeline she created to show their view of proceedings during the past two years. She said they were granted variances on February 12, 2004, and then submitted plans, receiving their first rejection on April 16, 2004. They hired a draftsman at that time, however, he failed to respond to or produce what was required by Planning. Mr. Haase submitted three additional sets of plans. Each one was rejected and with each rejection additional terms or conditions were added for them to complete on their next revision. They then hired a licensed architect, who revised their plans based on what Anthony Hall, Planning Dept., had rejected previously. The architect's plan was also rejected and additional requests added for the next plan, which is now completed and under review. With regards to not coming to the hearings, Mrs. Haase said she called and was told they did not necessarily have to appear because their plans were submitted. Glenn Bak represented them at that hearing and they were subsequently notified of their non-compliance fines.

Supervisor Brock said the Board had been briefed on the Haase violation by the Planning staff and asked Mr. Gerard to get a copy of the Haase timeline and check it to see if staff had any rebuttal. He told the Haase's that the County had received complaints from neighbors of alleged violations and this had prompted the investigation. He asked if they were alleging their problems with architects were their primary reason for the length of the proceedings.

Mr. Haase said, "Not only the architect, but each and every time we've submitted our plans they've come back with different revisions from Anthony Hall, the reviewer." He said they then take it to their architect and he makes the corrections and resubmits the plan to Mr. Hall and he rejects it again with additional stipulations on areas that he hadn't questioned previously. He said, "So, it keeps changing. We have three sets of plans here that we've done over the course, since this has started, with always different revisions in different areas of work that need to be addressed, so our architects address each and every violation." He added that a week prior to the June hearing when he submitted his plans at the Planning Dept. desk he asked if they needed to be present at the hearing and the person at the counter said, "No, this will be on the computer screen, they will see this and you will not need to attend." He had his wife call the day of the hearing to verify this and she was told that they did need to attend, which gave them only 90 minutes to get ready and travel downtown. Their work schedules did not allow them the flexibility to

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attend on such short notice. He added, "We've followed everything that we needed to do to try to make this work. We have not tried to stall or anything of that nature." He added that this is for a simple ramada and work shed, "and we just can't seem to get through the reviewer, Anthony Hall." They cited several other hindrances and delays that were caused by the Planning Staff losing or referencing/applying wrong tracking numbers.

After perusing it, Mr. Gerard said he had no response to their timeline. He explained that there are four permits pending. Two that are exempt from the building code, the exemption being allowed because these were built by a previous owner (the pool and horse stalls).

Supervisor Stapley interjected that his understanding is that these people violated the building code and the Board was sitting to determine whether to uphold the fine already implemented by the Hearing Officer. Mr. Gerard verified that he was correct.

Mr. Gerard agreed that there had been multiple reviews by Anthony Hall and that Mr. Hall's recurring comment had been with regards to the beam sizes and their gravity analysis. He said this was the same general comment made in the Haase reviews at least three different times. He said that for the current plan to be sufficient it would require, 1. the construction rights to be sufficient, 2. for the permit to be issued and, 3 for everything to pass a final inspection. He added that if the plan "was perfect today" it would still take weeks to finalize and approve it. He said compliance had not been achieved on previous dates set at the hearing, and he believed the Hearing Officer was correct in his finding of responsibility for the violations. Therefore, he asked that the fines be upheld.

Supervisor Kunasek asked what would happen next if the Board does uphold the fines. Mr. Gerard said they would still be in non-compliance. Mr. Kunasek then asked if they would have to tear the structures down. He wanted to know if this could eventually lead to a civil or criminal action.

Mr. Gerard said that would depend on the Board's language. If the exact ruling is upheld, the fines are still accruing and will accrue until the date the property passes final inspection. He said that legal action might be necessary to then collect the monies.

Supervisor Brock explained that the Board has always "bent over backwards" to work with applicants found to be in violation and, despite all efforts, the long standing violations of Mr. and Mrs. Haase have not been resolved and so the fine is continuing to increase daily. He said he would recommend that their accrued fines of more than \$13,100 be reduced to a total of \$5,000 if the applicants would continue to accept responsibility for the violations and work to come into compliance. He suggested giving the Haase's until March 31, 2006 to attain compliance, "At which time if full compliance has not been achieved then we'll review the fines that continued to accrue."

Motion was made by Supervisor Brock to uphold the Zoning Hearing Officer's decision but reduce the fine to the amount of \$5,000. The motion was seconded by Supervisor Kunasek. Supervisor Stapley said he would support the motion reluctantly adding that he believed the Hearing Officer was correct and that the full fine should be imposed. He stated, "If we continue to not uphold our hearing officer's judgment in these matters then there is no teeth in the law and anybody can build anything without permits and get away with it."

Motion carried unanimously (5-0).

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**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

- a. Application filed by Leo Paul Hissey for a Special Event Liquor License: (F23164) (SELL707)

Business Name: St. Steven's Catholic Church  
Location: 24827 S. Dobson Road, Sun Lakes, 85248  
Date/Time: January 27, 2006; 3:00 pm – 11:00 pm  
March 22, 2006; 5:00 pm – 11:00 pm

- b. Application filed by Terry F. Ray for a Permanent Extension of Premises/Patio Permit (ADM664-86)

Business Name: The Spurr Lounge, LLC  
Location: 5535 W. Baseline, Laveen, 85339

- c. Application filed by Song Kun Mun for an Original, Series 12 Liquor License (LL6160):

Business Name: Tonopah Family Restaurant  
Location: 41101 W. Indian School Road, Tonopah, 85354

- d. Application filed by Patricia A. Briggs for an Agent Change, Series 4 Liquor License (MCLL6165) (Original No. MCLL4070, dated July 31, 1970):

Business Name: Ocotillo Wholesale Liquors, LTD  
Location: 22402 S. Basha Road, Chandler, 85248  
Previous Agent: Louise A. Mathis

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**PUBLIC HEARING – LIQUOR LICENSE APPLICATION – ADDENDUM**

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license application:

Application filed by Elizabeth M. Towne for a Special Event Liquor License: (Addendum item A-1) (F23164) (SELL708)

Business Name: Starlight Community Theatre  
Location: 41130 N. Freedom Way, Anthem, 85086  
Date/Time: December 2, 2005; 6:30 pm to 11:00 pm

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Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**PUBLIC HEARING – BINGO LICENSE APPLICATION**

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to ARS §5-404.A, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the application filed by Bob Hackett for a Bingo License Permit: (ADM657)

Application filed by Bob Hackett for a Change of Location for a Bingo License (ADM657-023):

Business Name:	American Legion Daisy Mountain Post #128
New Location:	Boulder Creek High School 40404 N. Gavilan Peak Parkway, Anthem 85086
Date/Time:	1 <sup>st</sup> and 3 <sup>rd</sup> Fridays, 6:30 pm

**ADULT ORIENTED AND ADULT SERVICE PROVIDERS ORDINANCE P-10 AMENDMENT**

Chairman Wilson called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed amendment to the Adult Oriented and Adult Service Providers Ordinance P-10. The effective date of the amendment is December 19, 2005. Portions of the P-10 Ordinance containing changes are given below. The Complete Ordinance may be linked from the Clerk of the Board's web page under maricopa.gov. (C4406006000) (ADM141)

**SECTION 2. DEFINITIONS**

**Adult Live Entertainment Establishment** means an establishment that features either:

- (1) Persons who appear in a state of nudity OR SEMINUDE; or
- (2) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

**Nude, Nudity or state of nudity** means any of the following:

a) The appearance of a human anus, GENITALS or female breast below a ~~point immediately above the top of the areola~~ HORIZONTAL LINE ACROSS THE TOP OF THE AREOLA AT ITS HIGHEST POINT. THIS DEFINITION SHALL INCLUDE THE ENTIRE LOWER PORTION OF THE FEMALE BREAST, BUT SHALL NOT INCLUDE ANY PORTION OF THE CLEAVAGE OF THE FEMALE BREAST EXHIBITED BY A DRESS, BLOUSE, SHIRT, LEOTARD, BATHING SUIT OR OTHER WEARING APPAREL PROVIDED THE AREOLA IS NOT EXPOSED IN WHOLE OR IN PART.

b) A state of dress which fails to opaquely cover a human anus, genitals or female breast below a ~~point immediately above the top of the areola~~ HORIZONTAL LINE ACROSS THE TOP OF THE AREOLA AT ITS HIGHEST POINT. THIS DEFINITION SHALL INCLUDE THE ENTIRE LOWER PORTION OF THE FEMALE BREAST, BUT SHALL NOT INCLUDE ANY PORTION OF THE CLEAVAGE OF THE FEMALE BREAST EXHIBITED BY A DRESS, BLOUSE, SHIRT, LEOTARD, BATHING SUIT OR OTHER WEARING APPAREL PROVIDED THE AREOLA IS NOT EXPOSED IN WHOLE OR IN PART.

**Patron** means a person invited or permitted to enter and remain upon the premises of an adult oriented business, whether or not for consideration.

**Permit** means the permit required by this ordinance to engage in the activities of an adult service provider or an adult oriented business manager.

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**Principal business purposes** means that a commercial establishment derives fifty percent or more of its gross income from the sale or rental of items listed in subparagraphs (1) and (2) of the definitions in this section of adult bookstore or adult video store.

**Seminude** means a state of dress in which clothing covers no more than the genitals, pubic region and female breast below a ~~point immediately above the top of the areola~~ HORIZONTAL LINE ACROSS THE TOP OF THE AREOLA AT ITS HIGHEST POINT, as well as portions of the body that are covered by supporting straps or devices. THIS DEFINITION SHALL INCLUDE THE ENTIRE LOWER PORTION OF THE FEMALE BREAST, BUT SHALL NOT INCLUDE ANY PORTION OF THE CLEAVAGE OF THE FEMALE BREAST EXHIBITED BY A DRESS, BLOUSE, SHIRT, LEOTARD, BATHING SUIT OR OTHER WEARING APPAREL PROVIDED THE AREOLA IS NOT EXPOSED IN WHOLE OR IN PART.

**Specific anatomical areas** means any of the following:

a) A human anus, genitals, pubic region or a female breast below a ~~point immediately above the top of the areola~~ HORIZONTAL LINE ACROSS THE TOP OF THE AREOLA AT ITS HIGHEST POINT that is less than completely and opaquely covered . THIS DEFINITION SHALL INCLUDE THE ENTIRE LOWER PORTION OF THE FEMALE BREAST, BUT SHALL NOT INCLUDE ANY PORTION OF THE CLEAVAGE OF THE FEMALE BREAST EXHIBITED BY A DRESS, BLOUSE, SHIRT, LEOTARD, BATHING SUIT OR OTHER WEARING APPAREL PROVIDED THE AREOLA IS NOT EXPOSED IN WHOLE OR IN PART.

b) Male genitals in a discernible turgid state even if completely and opaquely covered.

**Specific sexual activities** means ~~any of the following:~~ INTERCOURSE, ORAL COPULATION, MASTURBATION OR SODOMY ON THE PREMISES OF AN ADULT ORIENTED BUSINESS.

~~a) Human genitals in a state of sexual stimulation or arousal.~~

~~b) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.~~

~~c) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.~~

~~d) Excretory functions as part of or in connection with any of the activities under subdivision a), b) or c) of this definition of specific sexual activities.~~

## SECTION 9. CONFIDENTIALITY

The information provided by an applicant in connection with the application for a license or permit under this ordinance IS CONFIDENTIAL AND shall be maintained in confidence by the Director., ~~subject only to the public record laws of the State of Arizona.~~

## SECTION 10. GRANT OR DENIAL OF LICENSE OR PERMIT

a) UPON RECEIPT OF A COMPLETE APPLICATION FOR AN ADULT ORIENTED BUSINESS LICENSE, THE DIRECTOR SHALL ISSUE TO THE APPLICANT A TEMPORARY BUSINESS LICENSE. Within forty five days after receipt of a complete application for an adult oriented business license, the Director shall mail to the applicant a REGULAR license or a notice of intent to deny. If the Director fails to do so, the license shall be deemed granted.

b) Upon receipt of an application for an adult oriented business manager permit or an adult service provider permit, including all information required by sections 7(b) and 8(b), payment of the required fees and completion of photograph and fingerprinting requirements of section 6, the Director shall issue to the applicant a temporary permit. Within thirty days after issuance of a temporary permit, the Director shall mail to the applicant a regular permit or a notice of intent to deny. If the Director fails to do so, the permit shall be deemed granted.

c) The issuance of any REGULAR OR TEMPORARY license OR permit ~~or temporary permit~~ does not waive any right of County to revoke, deny or suspend for any defect, omission or misrepresentation in the application.

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d) The Director shall grant ~~the~~ A REGULAR license or ~~permanent~~ permit to an applicant who has completed all requirements for application, unless the Director finds any of the following conditions noted below. For purposes of this paragraph, a person required to submit information pursuant to section 6(c) shall be deemed an applicant.

- 1) The application is incomplete or contains a misrepresentation, false statement or omission.
- 2) The applicant has failed to comply with applicable zoning or other land use ordinances of the County relating to the business or activity to be carried out under the license or permit.
- 3) The applicant is delinquent in payment of any county taxes, fees or other payments due in connection with the business or activity to be carried out under the license or permit.
- 4) The applicant is not at least eighteen years of age.
- 5) The applicant, or other person required to provide information under section 6(c), in the past three years has been convicted, or plead guilty or no contest with respect to a felony violation or two misdemeanor violations of one or more offenses in the categories stated in section 6(c).
- 6) Within the past two years, a license or permit under this article held by an applicant, or other person required to provide information pursuant to section 6(c), has been revoked, or a similar license in another jurisdiction has been revoked on the basis of conduct which would be a ground for revocation of a license or permit issued under this section if committed in the county.

### SECTION 13. ADULT SERVICE BUSINESS: OPERATING REQUIREMENTS

a) A person employed or acting as an adult service provider or manager shall have a valid permit issued pursuant to the provisions of this ordinance. A permit or a certified copy thereof for each manager or provider shall be maintained on the premises in the custody of the manager at all times during which a person is serving as a provider or manager on the premises. Such permits shall be produced by the manager for inspection upon request by a law enforcement officer or other authorized county official.

b) An adult service business shall maintain a daily log of all persons providing adult services on the premises. The log shall cover the preceding twelve month period and shall be available for inspection upon request by a law enforcement officer or other authorized county official during regular business hours.

c) A person below the age of eighteen years may not observe or provide an adult service.

d) A person may not provide an adult service in an adult service business except upon a stage elevated at least eighteen inches above floor level. All parts of the stage, or a clearly designated area thereof within which the adult service is provided, shall be a distance of at least three feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three feet above floor level. A provider or patron may not extend any part of his or her body over or beyond the barrier or railing.

e) An adult service provider, in the course of providing an adult service, may not perform ~~a specific sexual activity~~ ACTIVITIES.

f) ANY BUSINESS ESTABLISHMENT OR PREMISES WHERE ANY ADULT SERVICE IS PROVIDED AT ANY TIME SHALL NOT REMAIN OPEN AT ANY TIME ~~Adult services may not be provided~~ between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday or between the hours of 1:00 a.m. and 12:00 noon on Sunday.

g) An adult service may not be provided in any location which is not visible by direct line of sight at all times from a manager's station located in a portion of the premises which is accessible to patrons of the adult service business.

h) An adult service provider shall ~~wear his or her adult service provider work identification card at all times while on the premises except while providing an adult service. The card shall be affixed to clothing on the front of the person and above waist level so that the picture and permit number are clearly visible to patrons.~~ HAVE HIS OR HER ADULT SERVICE PROVIDER WORK IDENTIFICATION CARD AVAILABLE



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ON THE PREMISES FOR INSPECTION UPON REQUEST BY A LAW ENFORCEMENT OFFICER OR OTHER AUTHORIZED COUNTY OFFICIAL.

i) An adult oriented business manager shall be on the premises of an adult service business at all times during which any adult service is provided on the premises. The manager shall wear his or her identification card ~~in the manner described in paragraph h above~~ AFFIXED TO CLOTHING ON THE FRONT OF THE PERSON AND ABOVE WAIST LEVEL SO THAT THE PICTURE AND PERMIT NUMBER ARE CLEARLY VISIBLE TO PATRONS.

j) An employee may not knowingly or intentionally touch the breast, buttocks or genitals of a patron, nor may a patron knowingly or intentionally touch the breast, buttocks or genitals of an employee.

k) A sign, in a form to be prescribed by the Director summarizing the provisions of subparagraphs c, d, j, and l of this section, shall be posted near the entrance of an adult service business in such a manner as to be clearly visible to patrons upon entry.

l) A patron may not place any money on the person or in or on the costume of an adult service provider while the adult service provider is nude or seminude.

m) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.

n) With respect to a cabaret, the requirements of this section shall apply to the extent that they are not in conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages.

#### **SECTION 14. ADULT ARCADES: OPERATING REQUIREMENTS**

a) An adult arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle, as measured at the floor level.

b) Each booth or viewing room shall either: (a) be configured in such a way that allows persons patrolling the area outside the booth or viewing room to observe from outside the booth or viewing room the activities of any occupant in the interior of the booth or viewing room, or (b) if not so configured, be equipped with a mirror or other device which allows persons patrolling the area outside the booth or viewing room to observe from outside the booth or viewing room the activities of any occupant in the interior of the booth or viewing room.

c) An adult oriented business manager shall be on the premises of an adult arcade at all times that the arcade is open for business. The manager shall wear his or her identification card ~~in the manner described in section 13(h) above~~ AFFIXED TO CLOTHING ON THE FRONT OF THE PERSON AND ABOVE WAIST LEVEL SO THAT THE PICTURE AND PERMIT NUMBER ARE CLEARLY VISIBLE TO PATRONS.

d) A patron may not engage in specific sexual activities on the premises of an adult arcade.

e) A booth or viewing room shall not have any hole or aperture in any wall separating that booth or viewing room from another.

f) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.

#### **SECTION 18. PROCEDURES FOR DENIAL. REVOCATION. NONRENEWAL OR SUSPENSION: APPEAL**

If the Director determines that grounds exist for denial, suspension or revocation of a license or permit under this ordinance, he/she shall notify the applicant, licensee or permittee (respondent) in writing of his/her intent to deny, suspend or revoke, including a summary of the grounds therefor. The notification shall be by certified mail to the address on file with the Director. Within ten working days of receipt of such notice, the respondent may provide to the Director in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended or revoked and may include a request for a hearing. If a response is not received by the Director in the time stated, the notification shall be the final administrative action of denial, suspension or revocation and notice of such will be sent to the

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permittee or licensee within five working days after the expiration of the period for submitting a response. Within five working days after receipt of a response, the Director shall either withdraw the intent to deny, suspend or revoke, and send notification of the withdrawal to the respondent in writing by certified mail, or shall schedule a hearing before a hearing officer and send notification to the respondent in writing by certified mail of the date, time and place of the hearing. If the Director fails to send a timely notification either withdrawing the intent or scheduling a hearing, the intent to deny, suspend or revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than fifteen nor more than thirty working days after receipt by the Director of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. If respondent is represented by counsel, attorneys' fees shall be at the expense of respondent. The rules of evidence shall not apply. Respondent shall have the burden of proving by a preponderance of the evidence that the denial, suspension or revocation was arbitrary or capricious and an abuse of discretion. The hearing officer shall render a written decision within five working days after completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent on file with the Director. If more than forty five days elapse between receipt by the Director of a request for a hearing and mailing by the hearing officer of a final decision to the respondent, a decision in favor of the applicant, licensee or permittee shall be deemed to have been rendered. In the case of an intent to revoke, suspend or non-renew a license or permit, or to deny a regular LICENSE OR permit, the permittee or licensee may continue to function under the REGULAR OR TEMPORARY license or permit pending receipt of the final decision of the hearing officer. The decision shall be final at the end of five working days after it is mailed and shall constitute final administrative action.

#### **SECTION 19. JUDICIAL APPEAL**

Final administrative action to deny, revoke or non-renew a license or permit may be appealed to the Superior Court by special action or other available procedure within thirty five days after receipt of written notice of the decision. The County shall consent to expedited hearing and disposition. If a permittee or licensee pursues a judicial appeal from a final administrative action, that permittee or licensee may continue to function under the TEMPORARY OR REGULAR license or permit pending completion of judicial review.

#### **MVD DATABASE ACCESS AGREEMENT AND ADDENDUM FOR SECURITY PROVISIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the State-Maricopa County Constable Motor Vehicle Division (MVD) Database Access Agreement and Addendum. The Arizona Department of Transportation, MVD requests that each county agency enter into an agreement whereby procedures necessary to assure confidentiality of the personal information contained in the MVD database is implemented. The agreement provides access procedures and security provisions that MVD considers necessary before allowing access to its database. (C2506001200)

#### **CORRECTION TO AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR LEARNING EXPERIENCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an administrative correction to agenda item C1906017200, approved on October 19, 2005, a non-financial affiliation agreement, between the Maricopa County Attorney's Office and the Arizona Board of Regents, for and on behalf of Arizona State University, to allow students to participate in a learning experience at the County Attorney's Office. Correct the term of the agreement from three years to one year from Board of Supervisors' approval, with renewal on a year-to-year basis. (C1906017201)

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**GRANT FROM AZ POST FOR FORENSIC INTERVIEWING TRAINING**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve receipt of grant funds from the Arizona Peace Officer Standards and Training (AZ POST) Board in the amount of \$8,170.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the training of law enforcement officers in advanced forensic interviewing of children. This training is in compliance with the Child Abuse/Child Sexual Assault Protocol training standards set forth in A.R.S. §8-817.B6, per House Bill 2024 of the 64th Legislative Second Special Session enacted December 18, 2003. This grant agreement commenced on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$1,307.20. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in the amount of \$8,170.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906020300)

**APPEAL TAX COURT RULING IN SOUTHWEST GAS V. ADOR**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Arizona Attorney General to appeal, on the County's behalf, Arizona Tax Court rulings in TX2001-000473, Southwest Gas v. ADOR et al., to the Arizona Court of Appeals. This item was discussed in Executive Session on November 14, 2005. (C1906022M00) (ADM413-001)

**ESTABLISHMENT OF NEW VOTING PRECINCTS AND REDISTRICTING**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve establishment of new voting precincts and approve redistricting of the boundaries and limits of election precincts as shown on the maps on file in the Clerk of the Board's office and accompanying legal descriptions, incorporated herein by reference, all as required by state law (A.R.S. §16-411), effective immediately upon the date of pre-clearance by the U. S. Department of Justice. (C2106002700) (ADM1706)

**SALE OF FORD CROWN VICTORIA VEHICLE TO DESERT FOOTHILLS SHERIFF'S POSSE**

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the sale of one 2000 Ford Crown Victoria vehicle number 11039, VIN number 2FAFP71W4YX165389, and plate number G779CR to the Desert Foothills Sheriff's Posse in consideration of \$1.00. The Desert Foothills Posse is a not-for-profit Sheriff's Office volunteer organization. (C5006022M00) (ADM3104-001)

**AGREEMENTS FOR HOLIDAY MALL PATROL POLICE SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

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- a. An agreement between the Maricopa County Sheriff's Office and Arizona Mills, LLC, whereby the Sheriff's Office will provide holiday mall patrol police services. The term of this agreement is November 25, 2005 through December 27, 2005. Arizona Mills, LLC will reimburse the Sheriff's Office for police services in the amount of approximately \$5,600 for up to 155.5 hours of law enforcement patrol to Arizona Mills at \$36 per hour. (C5006024100)
- b. An agreement among the Maricopa County Sheriff's Office and Westcor Partners LLC, Macerich Westcor Management LLC, and Metro Rising AMS, whereby the Sheriff's Office will provide holiday mall patrol police services. The term of this agreement is November 25, 2005 through December 27, 2005. The Sheriff's Office will be reimbursed by police services, as follows:

Entity		Contract Amount	Contract Number	Mall
Westcor LLC	Partners	\$26,316	C5006028100	Arrowhead Town Center Biltmore Fashion Park Desert Sky Mall Scottsdale Fashion Square Superstition Springs Center
Macerich Management LLC	Westcor	\$11,196	C5006029100	Chandler Fashion Center Paradise Valley Mall Fiesta Mall
Metro Rising AMS		\$7,416	C5006030100	Metrocenter Mall

These three agreements total \$44,928, for up to 1,248 hours of service at \$36 per hour. (C50060271ZZ)

**GRANT FROM OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE FOR DEPUTY OVERTIME**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreement and acceptance of \$22,000 in grant funding from the Oversight Council on Driving or Operating Under the Influence Abatement, Traffic Unit DUI Investigations Grant, via the Arizona Criminal Justice Commission. This grant will fund overtime related to the investigation of fatal and/or life threatening traffic collisions involving alcohol and/or drug impaired drivers. The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Unrecoverable indirect costs associated with this grant are \$3,784. The term of this agreement is October 1, 2005 to June 30, 2006. (C5006510300)

**TRANSFER EXPENDITURE AUTHORITY FOR JUROR MILEAGE REIMBURSEMENT**

Pursuant to A.R.S. §42-17106 (b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority in an amount not-to-exceed \$85,000 from General Government (470) General Fund (100) Reserved Contingency (4711) to Justice Reserve to the Trial Courts (800) General Fund (100) at the end of FY 2005-06. Approval of this action will authorize an appropriation transfer to the Trial Court budget if at year-end it exceeds its general fund appropriation in addition to the budgeted amount for juror mileage reimbursement. (C3806004800) (ADM1100-003)

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**APPOINTMENTS AS JUDGES PRO TEMPORE**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of law-trained Municipal Court Judges Louraine Arkfeld, Theodore Armbruster, Paul Cragan, Karl Eppich, John Hudson, Ronald Karp, Gary LaFleur, Nicole Laurin, Mary Anne Majestic, Michael Morales, Michele O'Hair-Schattenberg, and Michael Simonson, as Judges Pro Tempore in the Maricopa County Superior Court, in hearing administrative appeals for a term beginning January 1, 2006 through December 31, 2006, to enhance the ability to process cases in lower court appeals. (C3806006700) (ADM1001)

**TRANSFER FUNDS FOR HUMAN RESOURCE LIAISON CERTIFICATION TRAINING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer, pursuant to A.R.S. § 42-17106(B), not-to-exceed \$11,200 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) to a reserve contingency line item funding for the creation of a Maricopa County Human Resource Liaison certification training program. Human Resources will only need this funding in the event this expenditure cannot be absorbed within its FY 2005-06 operating budget. (C3106003100) (ADM3300-001)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas with one exception. Supervisor Wilcox asked that one name on page 3 be continued for one month, that of Anna Medina, under the County Manager section. After discussion to clarify the reason for this request (an investigation by the employee ombudsman), motion was seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the personnel agendas and to continue the listing for Anna Medina (only) to December 21. Exhibits A and B will be found at the end of this set of Minutes.

**TRANSFER EXPENDITURE AUTHORITY FOR SHERIFF RECORDS MANAGEMENT SYSTEM**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a transfer of expenditure authority between Appropriated Fund Balance (Dept 480), Detention Fund (255), Other Programs (Org 4812) and Sheriff Records Management System and Sheriff Jail Surveillance System and General Government (Dept 470) Grants Fund (249). This action will require appropriation adjustments decreasing the FY 2005-06 expenditures in Appropriated Fund Balance (Dept 480) Detention Fund (255), Other Programs (Org 4812) Sheriff Records Management System by \$8,963, decreasing the FY 2005-06 expenditures in Appropriated Fund Balance (Dept 480), Detention Fund (255), Other Programs (4812) Sheriff Jail Surveillance System by \$99,351 and increasing the FY 2005-06 expenditure appropriation in General Government (Dept 470), Grant Fund (249) by \$108,314. These adjustments will result in a countywide net impact of zero. The adjustments will correct the Appropriated Fund Balance and accurately represent the FY 2005-06 portions of these line items. These adjustments are necessary for expenditure control purposes and do not alter the duly adopted budget for FY 2005-06 approved by the Board pursuant to A.R.S. §42-17105. (C4906013000) (ADM3900-003)

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**TRANSFER EXPENDITURE AUTHORITY FOR SCHOOLS NEW FINANCIAL SYSTEM**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a transfer of expenditure authority between Appropriated Fund Balance (Dept 480), General Fund (100), Technology Projects (Org 4814) and Schools New Financial System and General Government (470) Grants Fund (249). This action will require appropriation adjustments decreasing the FY 2005-06 expenditures in Appropriated Fund Balance (480), Fund (100), Technology Projects (Org 4814) by \$72,489 and increasing the FY 2005-06 expenditure Appropriation in General Government (470), Grants Fund (249), by \$72,489. These adjustments will correct the Appropriated Fund Balance and accurately represent the FY 2005-06 portions of these line items. These adjustments are necessary for expenditure control purposes and does not alter the duly adopted budget for FY 2005-06 approved by the Board pursuant to A.R.S. §42-17105. During FY 2004-05, expenses incurred for this project were more than anticipated. Therefore, in order to keep the project from going over the original adopted budget, it is necessary to revise FY 2005-06 budgets for the Schools New Financial System from \$430,513 to \$358,024. (C4906014800) (ADM3800-003)

**GAINSHARING PROGRAM RENEWAL FOR FINANCE COLLECTIONS UNIT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the FY 2005-06 "Gainsharing Program" renewal for the Finance Collections Unit per the Employee Gainsharing Programs Policy (HR2419). (C4906015800) (ADM3345-001)

**AMENDMENT WITH PINAL COUNTY FOR NUTRITIONAL EXPERIENCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and sign Amendment No. 1 to a non-financial agreement with the Pinal County Department of Health and Human Services to provide nutritional experience for graduate students in the Maricopa County Department of Public Health's Dietetic Internship Program. The agreement term is retroactive from July 1, 2005 through June 30, 2010. (C8603122001)

**AMENDMENT WITH CASS FOR DENTAL SERVICES TO HOMELESS INDIVIDUALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 5 to sole source Contract No. C8605563100 with Central Arizona Shelter Services, Inc., (CASS) for the provision of dental services to homeless individuals. The amendment increases the contract dollar amount by \$50,000, and extends the budget term from November 1, 2005 to October 31, 2006. Total funding for the contract will increase from not-to-exceed \$250,000, to not-to-exceed \$300,000. All other terms and conditions remain unchanged. (C8605563101)

**AMENDMENT WITH PCH FOR MEDICAL SERVICES TO HOMELESS YOUTH**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 1 to C86055671, a sole source contract between Maricopa County's Health Care for the Homeless Program and Phoenix Children's Hospital (PCH). This contract allows PCH to provide medical services to homeless youth via a mobile medical clinic. This amendment adds on an additional \$160,000 for contract year November 1, 2005 through October 31, 2006, and increases the total contract amount to not-to-exceed \$308,142. (C8605567101)

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**AMENDMENTS FOR HIV-RELATED SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- a. **Phoenix Shanti Group, Inc.** Amendment No. 2 to Contract C86058001 with Phoenix Shanti Group, Inc., for the provision of HIV behavioral health/substance abuse services. The amendment of the contract increases the contract dollar amount by \$60,000, to a contract amount of \$140,000, for the contract period March 1, 2005 through February 28, 2006. Phoenix Shanti Group, Inc. was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on March 6, 2003. (C8605800102)
- b. **Chicanos Por La Causa, Inc.** Amendment No. 2 to Contract C8605803101 with Chicanos Por La Causa, Inc., for the provision of HIV behavioral health services to Hispanic individuals and families affected by HIV/AIDS. The amendment of the contract increases the contract dollar amount by \$25,000, to a contract amount of not-to-exceed \$95,000, for the contract period of March 1, 2005 through February 28, 2006. Chicanos Por La Causa was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on March 22, 2001. The original contract was approved by the Board of Supervisors April 3, 2002 (C86026271). The contract was subsequently renewed by the Board on March 5, 2003 (C86037201), and, March 8, 2004 (C86048201). (C8605803102)
- c. **Chicanos Por La Causa, Inc.** Amendment No. 2 to Contract C8605820101 with Chicanos Por La Causa, Inc., for the provision of HIV targeted outreach services Minority Aids Initiative to Hispanic individuals and families affected by HIV/AIDS. The amendment of the contract increases the contract dollar amount by \$32,500, to a contract amount of not-to-exceed \$87,500, for the contract period of March 1, 2005 through February 28, 2006. Chicanos Por La Causa was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on March 22, 2001.
- d. **Body Positive.** Amendment No. 2 to Contract C8605837101 with Body Positive for the provision of food services to individuals affected by HIV/AIDS. The amendment of the contract increases the contract dollar amount by \$10,000, to a contract amount of not-to-exceed \$185,000, for the contract year March 1, 2005 through February 28, 2006. Body Positive was a successful respondent to a Request For Proposals (MC1-329) issued by the Department of Public Health on October 22, 2004. (C8605837102)

**AMENDMENT WITH PARK 16 ENTERPRISES FOR OFFICE SPACE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to agenda item C8605913400, dated July 6, 2005, which approved Lease No. L7379 with Park 16 Enterprises, Inc., a Nevada Corporation, lessor, for 6,817 square feet of office space at 3221 N. 16th Street, Suites 100, 104, 105, and 106, Phoenix, AZ. Effective September 1, 2005, the building for the subject lease was sold to The Khoshbin Company, Inc., with offices at 17744 Skypark Circle, Suite 100, Irvine, CA 92614. All terms of the lease remain the same, with only the ownership of the building and the lease changing hands. As such, this is an informational request. (C8605913401)

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**AGREEMENT WITH SHCD FOR LEARNING EXPERIENCES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial affiliation agreement with the Maricopa County Special Health Care District (SHCD) d.b.a. Maricopa Integrated Health System to allow the residents and/or students to participate in learning experiences at the Maricopa County Department of Public Health. This agreement is effective upon Board of Supervisors' approval and expires on June 30, 2010. The agreement includes a 30-day termination clause. (C8606009200)

**IGAs FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGAs) with these entities to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. Buckeye Elementary School District #33, for a contract dollar amount not-to-exceed \$5,500. (C8606435200)
- b. Cartwright School District, for a contract dollar amount not-to-exceed \$16,000. (C8606441200)
- c. Littleton Elementary School District, for a contract dollar amount not-to-exceed \$4,500. (C8606442200)

**AMENDMENT TO MANAGEMENT INCENTIVE PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend the Management Incentive Program Performance Plan for the Health Plans Claims Director, Wendella Howell-Bell, in compliance with the Board approved Management Incentive Policy. Approve final payment of \$1,000 consistent with the plan as amended. (C3505010M01) (ADM3308-002)

**MANAGEMENT INCENTIVE PLANS PAYMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment under Management Incentive Plans for Maricopa Managed Care Systems Chief Operating Officer, Mike Schaiberger, for \$1,000, and OAO Claims Reduction Project Manager, Diane Golat, for \$500. (C3506006M00) (ADM3308-002)

**AMENDMENTS WITH GOODWILL INDUSTRIES OF CENTRAL ARIZONA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- a. Amendment No. 5 to Contract C2204095104 with Goodwill Industries of Central Arizona, Inc., to modify the performance standards approved by the State of Arizona and the Department of Labor for Workforce Investment Act In-School Youth Program services during FY 2005-06. A total of 107 In-School Youth Program participants will be served by this contract. Amendment No. 5 is an administrative amendment and there is no change



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to the current amount of funding. This amendment is effective October 17, 2005. The term of this contract, which remains unchanged, is from July 1, 2005 to June 30, 2006. (C2204096105) (C2204095105)

- b. Amendment No. 6 to Contract C2204097105 with Goodwill Industries of Central Arizona, Inc., to modify the performance standards approved by the State of Arizona and the Department of Labor for Workforce Investment Act Out-of-School Youth program services during FY 2005-06. A total of 107 Out-of-School youth program participants will be served by this contract. Amendment No. 6 is an administrative amendment and there is no change to the current amount of funding. This amendment is effective October 17, 2005. The term of this contract, which remains unchanged, is from July 1, 2005 to June 30, 2006. (C2204097106)

**IGAs FOR WORKFORCE DEVELOPMENT SUPPORT PROGRAM SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGAs) in the amount of \$50,000 each. These agreements will support program services and strategies designed to enhance coordination between the counties and strengthen the statewide workforce development delivery system. These contracts do not contain any county general funds.

- a. Santa Cruz County Workforce Development (C2206148200)
- b. Cochise County Workforce Development (C2206149200)
- c. Yavapai County Workforce Development (C2206153200)
- d. Coconino County Workforce Development (C2206154200)
- e. La Paz County Workforce Development (C2206157200)
- f. Gila County Workforce Development (C2206158200)

**GRANT FROM ARIZONA STATE PARKS FOR WATERFALL TRAIL RENOVATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept from Arizona State Parks the awarded Trails Heritage Grant. The award is for \$117,097 and will be utilized at White Tank Mountain Regional Park to renovate the Waterfall Trail, add railing and interpretive signage to protect the petroglyphs, add a new barrier-free 1/3 mile trail to the Bajada Trail, and provide funds to carry out a National Trails Day cleanup. Approve an appropriation adjustment to Parks & Recreation Grant Fund (230-301) increasing the FY 2005-2006 revenue budget by \$57,000, and the expenditure budget by \$58,624. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. (C3006013300)

**AGREEMENT WITH PAUSE 4 PAWS SOCIETY TO RESCUE ANIMALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an agreement between Pause 4 Paws Society, a 501(C)3 non-profit corporation, 6801 N. 23rd Place, Phoenix, AZ 85016, and Maricopa County to allow Pause 4 Paws Society, under the New Hope Program, to rescue animals that have been deemed eligible for the New Hope Program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27

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for each animal rescued. Animal Care & Control estimates 80 new hope rescues over the term of the agreement, for a total of \$2,160. The term of this agreement is from execution of the document through November 1, 2006. (C7906028100)

**DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of a donation from Petfinder.com Foundation, P O Box 16385, Tucson, AZ 85732, to Animal Care & Control in the amount of \$416.30. Donation revenue funds are deposited into Fund (573) as they are received. (C7906029700) (ADM2300)

**FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**PAYMENT TO INTERNATIONAL GENOMIC CONSORTIUM**

Item: Approve the fourth annual \$1,000,000 payment to the International Genomic Consortium (IGC), pursuant to the Economic Development Funding Agreement executed between IGC and Maricopa County on November 20, 2002 (C18030081). (C1806025800)

Supervisor Wilcox said she felt the County's participation in bringing the IGC to Phoenix had turned out to be "a great thing." She said that many grants have been won by the IGC. The IGC would help to create "a very vibrant downtown because of the work that's going into this."

Supervisor Brock added that this project "has been fantastically successful so far and it's been a collaboration between local, state and private partnerships." He urged the Board to get regular updates from the IGC to keep abreast of all they are doing.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the fourth annual \$1,000,000 payment to the International Genomic Consortium

**AMENDMENT WITH TOWN OF BUCKEYE FOR PARCEL LEASE**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to an intergovernmental agreement with the Town of Buckeye. This amendment will create a lease for a parcel of town-owned land adjacent to the existing Buckeye Justice Court for placement of a modular building that will serve as an annex to the Justice Court. The amendment will be effective upon execution by both the county and the town and remain in effect until a replacement facility is constructed at the Southwest Regional Court Center in Avondale. This amendment has no financial impact. Future costs for permits and installation of the modular building will be handled separately. (C70001062) (C1806026200)

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**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Increase in the price agreement amount for the following contracts.** This request is due to an increased usage by county departments.

**03042-RFP      Avaya Enterprise Communications System** (\$8,000,000 increase). Increase contract value from \$8,000,000 to \$16,000,000. This \$8,000,000 increase is being requested by Maricopa County Sheriff's Office (MCSO) to provide for on-going service, maintenance, upgrades to the current system, and complimentary equipment to interface with other MCSO locations. Existing equipment investment is \$13,000,000. Additional system equipment is anticipated for replacement of outdated telephone key systems at Sheriff Substations and for the renovation project of the Madison Street Jail. This contract was initially approved by the Board of Supervisors on October 22, 2003, and the dollar value only estimated the expense of \$8,000,000 for the two new jails and not for the projected expense through the life of the contract. This contract expires on October 31, 2008.

**03063-C      Helicopter/Aircraft Parts, Accessories and Repair Service** (\$375,000 increase). Increase price agreement value from \$348,000 to \$723,000. This \$375,000 increase is requested by the Sheriff's office for ongoing maintenance and repair associated with a mandatory inspection on the Sheriff's primary/only search and rescue helicopter, and a major anticipated 5000 hour overhaul during the remainder of this contract term. This agreement was initially approved for \$300,000 by the Board of Supervisors on September 10, 2003, and was subsequently increased by \$48,000 on August 24, 2005. This contract expires on September 30, 2006.

**05007-RFP      Inmate Employment Skills Building Educational Services – MCSO** (\$700,000 increase). Increase contract value from \$200,000 to \$900,000. This \$700,000 increase is requested by the Maricopa County Sheriff's Office (MCSO) as the result of increased inmate population and mandated inmate services requirements. This contract was initially approved by the Materials Management Director on July 21, 2005, and has an expiration date of August 31, 2009.

- o      Concepts for Change, Inc.
- o      Sage Counseling, Inc.

**05055-RFP      Inmate Employment Skills Building Educational Services/WOW – MCSO** (\$833,000 increase). Increase contract value from \$67,000 to \$900,000. This \$833,000 increase is requested by the Maricopa County Sheriff's Office (MCSO) as the result of increased inmate population and mandated inmate services requirements. This contract was initially approved by the Materials Management Director on July 21, 2005, and has an expiration date of August 31, 2009.

- o      Concepts for Change, Inc.
- o      Sage Counseling, Inc.

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**TRANSFER FUNDS FOR TELECOM PUBLIC ACCESS WIRELESS COMMUNICATIONS**

Pursuant to A.R.S. 42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to direct the Office of Management and Budget to transfer \$20,000 from Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) "Reserved Contingency-Technology Projects" to a new line item in Appropriated Fund Balance (480), General Fund (100) Technology Projects (4814), entitled "Telecom: Public Access Wireless Communications." Approval of this action will allow for county payment to the Downtown Phoenix Partnership to offset the total cost associated with an upcoming study to be conducted by Intel to determine the best approach for delivering public access wireless communications to the internet in the downtown area. Total cost of the project is \$85,000, discounted from an original estimate of over \$180,000. Maricopa County's contribution is approximately 23.5%, or \$20,000, of the discounted total. Envisioned is the seamless expansion of this network throughout the City of Phoenix and other areas in and around Maricopa County. This initial study will include the "Copper Square" area identified by the Downtown Phoenix Partnership, including the County Administration Building located at 301 W. Jefferson. The key stakeholders associated with this venture and their respective financial contributions to this project are the Downtown Phoenix Partnership (\$27,500), City of Phoenix (\$22,500), Arizona State University (\$15,000), and Maricopa County (\$20,000). (C4106001100) (ADM5300-003)

**CHANGE ORDER WITH 3 D/INTERNATIONAL, INC. FOR FACILITY ASSESSMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 2 to contract CFD03-01 with 3 D/International, Inc., for Program Management, Construction Management and Facility Assessments. Change Order No. 2, in the amount of \$212,366, is to provide an assessment of the buildings associated with the Special Health Care District (Amendment No. 1 was approved under C70040170 on September 24, 2003). (C7004007501)

**IGA WITH CITY OF PHOENIX FOR ROAD IMPROVEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the City of Phoenix and Maricopa County for cost-sharing on improvements to roadway shoulders and adjacent right-of-way on Broadway Road between 43rd Avenue and 35th Avenue to reduce PM-10 dust emissions. (Supervisory District 5) (C6406069000)

**TRAFFIC CONTROL CHANGE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following traffic control changes:

- a. **45 MPH Speed Limit Zone** – Sarival Avenue from Camelback Road to Northern Avenue (from a 50 mph speed limit zone). This partially rescinds the 50 mph speed limit zone dated May 29, 1973. (Supervisory District 4) (C6406070000) (F23166)
- b. **45 MPH Speed Limit Zone** – Bethany Home Road from 500 feet east of 183rd Avenue to Citrus Road (from a 50 mph speed limit zone). This rescinds the 50 mph speed limit zone dated December 17, 1997. (Supervisory District 4) (C6406071000) (F23166)

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- c. **45 MPH Speed Limit Zone** – Glendale Avenue from .50 miles east of Citrus Road to Cotton Lane (from a 50 mph speed limit zone). This rescinds the 50 mph speed limit zone dated March 20, 1989. (Supervisory District 4) (C6406072000) (F23166)
- d. **45 MPH Speed Limit Zone** – Indian School Road from State Route 303 Loop to Jackrabbit Trail (from a 55 mph speed limit zone). This partially rescinds the 55 mph speed limit zone dated May 29, 1973. (Supervisory District 4) (C6406073000) (F23166)

**NEW TRAFFIC CONTROLS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following new traffic controls:

- a. **45 MPH Speed Limit Zone** – Bethany Home Road from Citrus Road to Sarival Avenue. (Supervisory District 4) (C6406071000) (F23166)
- b. **40 MPH Speed Limit Zone** – Bethany Home Road from Sarival Avenue to Alsup Avenue. (Supervisory District 4) (C6406071000) (F23166)
- c. **45 MPH Speed Limit Zone** – Glendale Avenue from Cotton Lane to Reems Road. (Supervisory District 4) (C6406072000) (F23166)

**CONTRACT WITH AZTEC ENGINEERING ARIZONA FOR ENGINEERING SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to award On-Call Contract No. 2005-72 with AZTEC Engineering Arizona, LLC for pending and new projects requiring engineering design services. The contract is effective for a period of two years with an option to renew for an additional three one-year periods following the Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2006-07 budget. (C6406074500)

**AWARD CONTRACT WITH CK ENGINEERING, INC. FOR PATTON AND JOMAX ROAD**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the award of Consultant Services Contract No. 2005-17 with CK Engineering, Inc. for a total sum amount of \$684,640.98 to perform an access control and corridor study for Patton and Jomax Road, including the candidate assessment report for the Patton Road Hassayampa River Crossing, Project No. TT005. The contract price includes a lump sum of \$668,221.38 for essential tasks and \$16,490.60 for an optional task allowance for traffic simulation modeling. The contract performance period is 545 calendar days upon issuance of the notice-to-proceed. Approval of this agenda item is contingent upon the Board approving the recommended FY 2006-07 budget. (Supervisory District 4) (C6406077500)

**IGA WITH CITY OF PEORIA FOR EXCHANGE OR REIMBURSEMENT OF SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the IGA between Maricopa County and the City of Peoria for the exchange of services or reimbursement of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the county and the city. Either party may terminate this agreement

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any time prior to the end of its duration by furnishing the other party with a written notice. (Supervisory District 4) (C6406078200)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- |                                 |   |
|---------------------------------|---|
| A319.001<br>(CS)                | Project No: TT156 – Chandler Heights & 124 <sup>th</sup> St – Easement and Agreement for Highway Purposes - Parcel No.: 303-54-003G – Treeland Limited Partnership - for the sum of \$4,600.00.                                       |
| A319.001<br>(CS)                | Project No: TT156 – Chandler Heights & 124 <sup>th</sup> St – Agreement for Right of Entry- Parcel No.: 303-54-003G – Treeland Limited Partnership - for the sum of \$500.00.   |
| A333.007 &<br>A333.008<br>(JPM) | Project No: TT186 – Indian School Rd (Litchfield Rd to Dysart Rd) - Agreement for Right of Entry - Parcel No.: 501-71-533G and 501-71-933R – Suncor Development Company - for the sum of \$500.00.                                    |
| A339.024<br>(JPM)               | Project No: TE193 – 99 <sup>th</sup> Avenue (at Palmeras Drive) - Agreement for Right of Entry - Parcel No.: 230-07-692 – Jack R. Caruthers and Catherine J. Caruthers - for the sum of \$500.00.                                     |
| A339.025<br>(JPM)               | Project No: TE193 – 99 <sup>th</sup> Avenue (at Palmeras Drive) - Agreement for Right of Entry - Parcel No.: 230-08-common area – The Heritage – Sun City Owners Association - for the sum of \$500.00.                               |
| A339.050<br>(CS)                | Project No: TE198 – Litchfield & Peoria - Easement and Agreement for Highway Purposes - Parcel No.: 501-43-009Y – Butler Investments/William F. Butler Investments- for the sum of \$836.00.  |
| DD-9514<br>(LS)                 | Project No: TL008 – R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No.: 503-53-792 – William Lyon Homes, Inc. - for the sum of \$1.00.   |
| N/A<br>(GL/JPM)                 | Project No: TT123 - Brown Road Drive Ways (94 <sup>th</sup> St to Crismon Rd) – Letter Agreement for Temporary Ingress and Egress Permit - Parcel No.: 220-20-003B – Cheri Smith – for the sum of \$100.00.                           |
| N/A<br>(GL/JPM)                 | Project No: TT123 - Brown Road Drive Ways (94 <sup>th</sup> St to Crismon Rd) – Letter Agreement for Temporary Ingress and Egress Permit - Parcel No.: 220-20-009C – Dale C. Boggs – for the sum of \$100.00.                         |
| N/A<br>(GL/JPM)                 | Project No: TT123 - Brown Road Drive Ways (94 <sup>th</sup> St to Crismon Rd) – Letter Agreement for Temporary Ingress and Egress Permit - Parcel No.: 220-01-289 – Saguaro Mountain Community Association – for the sum of \$100.00. |

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**APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following appointments:

- a. **Planning and Zoning Commission** – Re-appoint Mr. Dick Smith, whose term will be effective through December 16, 2009. (Supervisory District 3) (ADM3415-001)
- b. **Air Pollution Control Board** – Re-appoint Mr. John Rutledge, whose term will be effective through August 23, 2008. (Supervisory District 1) (ADM2353-001)
- c. **Merit Commission** – Re-appoint Mr. Daniel J. Reeb, whose term is effective January 1, 2006 through December 31, 2008. (Supervisory District 2) (ADM3315-001)

**2006 MEETING SCHEDULE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt the 2006 Board of Supervisors' Meeting schedule. (ADM601)

**SETTING OF HEARINGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule the following hearings. All hearings will be held at 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, unless otherwise noted:

- a. **Public Hearing for a Street Name Change** – Public hearing for December 21, 2005 at 9:00 a.m., to name a previously un-named alignment to El Camino Dorado in Goldfield Ranch Phase 1, Lot 13, Southwest Quarter Section 12, Township 3 North, Range 7 East between North Goldfield Road and the south boundary of the Tonto National Forest. (C4406010000) (ADM2018)
- B. **Planning And Zoning Cases** - A public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 21, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2005-098; Z2005-092; Z2001-043**

**ASRS CLAIMS**

No payment of claim requests were submitted by the Arizona State Retirement System at this time. (ADM3309-001)

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts at this time.

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**CLASSIFICATION CHANGES**

The Assessor submitted no request for changes to classification and/or reduce the valuation of certain properties which are now owner-occupied at this time. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on October 31, 2005. (ADM407)

Arbogast	Dan	\$6,000.00
New-Reh	Michael	\$2,750.00

**CONTINUED AGENDA ITEMS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- o Agenda item C8506011M00 was continued at the November 2, 2005 Formal Board meeting to the November 16, 2005 Formal Board Meeting. At the request of the department, this agenda item is continued until further notice or may be withdrawn.
- o Agenda item C5006016200 was continued at the October 19, 2005 Formal Board meeting to the November 2, 2005 Formal Board Meeting. This agenda item is continued until further notice or may be withdrawn.
- o Agenda item C6906037200 was continued at the October 19, 2005 Formal Board meeting to the November 2, 2005 Formal Board Meeting. This agenda item is continued until further notice or may be withdrawn.

**DONATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the donation reports received from county departments for October 2005. (ADM1810-001)

<b>Department</b>	<b>Cash Donation Amount</b>
Sheriff	\$630.95

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT NO.</b>	<b>FUND</b>	<b>AMOUNT</b>
Cardinal Health MPS	350559055	Expense	\$13,387.10



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<b>NAME</b>	<b>WARRANT NO.</b>	<b>FUND</b>	<b>AMOUNT</b>
Cardinal Health MPS	350559056	Expense	\$1,353.93
Sterling H Griffin	260011032	Payroll	\$406.46
Karen McGarrity	360017084	General	\$3,504.70

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
School Specialties Company	Liberty SD #25	460022794	\$1,184.05
Michael Preston	Laveen SD #59	150003223	\$1,192.47
Arizona Machinery	Sentinel SD #71	460042334	\$211.72
Linda Calderone	Saddle Mountain SD #90	160045298	\$294.01
Erica Avila-Hernandez	Fowler SD	160040032	\$685.37
Linda Calderone	Saddle Mountain SD #90	1655162	\$560.00
Andrew Gaw	Paloma SD	450109651	\$273.50
Three Day Blinds	Isaac SD	460014683	\$1,263.22
Lori Caradori	Maricopa Regional SD #509	160055072	\$586.32
ASAP Software	Sentinel SD #71	460037872	\$162.40
Quentine Beatty	Higley SD #60	450068863	\$126.55
Jeremy Calvert	Higley SD #60	1644788	\$203.17
Jose Leal Jr.	Roosevelt SD #66	160045019	\$632.00
Galina Jacobs	Queen Creek Unified SD	160045397	\$156.99
Lunchbyte Systems Incl	Phoenix Elem SD #1	450026646	\$1,558.75
Ana L Figueroa	Littleton Elem SD	150059203	\$925.23
Megan Holcomb	Murphy Elem SD #21	160049037	\$974.62
Desert Waste & Recycling	Wilson SD #7	460058319	\$929.00
Sara Dayton	Alhambra SD	1650892	\$655.00
Christina Colt	Osborn SD #8	160046155	\$420.32
Barnes & Noble	Murphy Elem SD #21	460033076	\$99.24
Barnes & Noble	Murphy Elem SD #21	460007231	\$106.98
Cintas First Aid & Safety	Balsz SD #31	460049019	\$160.20
Valley Educational Specialists Inc	Phoenix Elem SD #1	460052754	\$4,160.00

**MINUTES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held July 6, 2005, August 8, 2005, August 10, 2005, August 15, 2005, September 6, 2005, September 19, 2005, October 3, 2005, October 5, 2005 and October 17, 2005.

**MINUTES CORRECTIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the typographical corrections to the Board of Supervisors' minutes. (List is on file in the Clerk of the Board's Office.) (ADM726-001)

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<b>Original BOS Date</b>	<b>Base Information</b>	<b>Incorrect Information</b>	<b>Correct Information</b>
April 7, 2004	Amendment to contract with Medical Professional Associates of Arizona	File No.: (C38040110)	File No.: (C39040110)
June 2, 2004	Resolution – Issuance of Certificates of Participation – Continued	File No.: (C17040438)	File No.: (C18040438)
June 9, 2004	Resolution – Issuance of Certificates of Participation	File No.: (C17040438)	File No.: (C18040438)
November 3, 2004	Public Comment	(JAHCO)	(JCAHO)
January 19, 2005	Tax Abatement; Parcel No.: 301-32-014B-0 Year: 2003	Dollar Amount: \$3,753.74	Dollar Amount: \$2,753.74
January 19, 2005	Tax Abatement; Parcel No.: 203-35-006E-3 Year: 1999	Dollar Amount: \$22.64	Dollar Amount: \$22.65
June 22, 2005	Tax Abatement; Parcel No.: 176-06-316Q Year: 2004	Dollar Amount: \$22,612.24	Dollar Amount: \$22,621.24
June 22, 2005	Tax Abatement; Parcel No.: 301-65-737-9 Year: 1999	Dollar Amount: \$1,926.67	Dollar Amount: \$1,726.67
June 22, 2005	Tax Abatement; Parcel No.: 105-83-095 Year: 2003	Dollar Amount: \$60.42	Dollar Amount: \$30.42
April 20, 2005	Tax Abatement; Parcel No.: 104-08-002Y Year: 2001	Dollar Amount: \$28.50	Dollar Amount: \$38.50
April 20, 2005	Tax Abatement; Parcel No.: 303-07-014 Year: 1998	Parcel No.: 303-07-015	Parcel No.: 303-07-014
April 20, 2005	Tax Abatement; Parcel No.: 303-07-014 Year: 1999	Parcel No.: 303-07-016	Parcel No.: 303-07-014
April 20, 2005	Tax Abatement; Parcel No.: 104-08-022X Year: 2000	Dollar Amount: \$4.40	Dollar Amount: \$43.99
August 10, 2005	Tax Abatement; Parcel No.: 142-5-006V Years: 1989-1996	Parcel No.: 142-25-004V	Parcel No.: 142-25-006V
August 10, 2005	Tax Abatement; Parcel No.: 164-12-987A Year: 1998	Dollar Amount: \$12,620.24	Dollar Amount: \$12,620.21
August 10, 2005	Tax Abatement; Parcel No.: 903-76-195 Year: 1985	Dollar Amount: \$19,786.45	Dollar Amount: \$19,783.45
August 10, 2005	Tax Abatement; Parcel No.: 109-53-005Y Dollar Amount: \$3,037.19	Year: 1979	Year: 1989
August 10, 2005	Tax Abatement; Parcel No.: 140-75-095 Year 2003	Dollar Amount: \$932.27	Dollar Amount: \$732.27

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**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated November 16, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>Tax Roll</b>	<b>From Resolution No.</b>	<b>Net Result</b>
1999	33575	-\$3,311.04
2000	33576	-\$283.65
2005	35577	-\$1,659.45

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases dated November 16, 2005. (ADM704)

**2004**

TX 2003-000358  
TX 2003-000741  
TX 2004-000021  
TX 2004-000024  
TX 2004-000027  
TX 2004-000035  
TX 2004-000038  
TX 2004-000040  
TX 2004-000071  
TX 2004-000075  
TX 2004-000166

**2005**

ST 2004-000267  
ST 2004-000327  
TX 2004-000489  
TX 2004-000710  
TX 2004-000715  
TX 2004-000840  
TX 2004-000937  
TX 2004-000957

**STALE DATED WARRANTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Arizona Health Foods	\$330.00

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**TAX ABATEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve tax abatements requested by the Treasurer's Office. (ADM708)

<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>	<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
136-09-003Z	1992	\$97.04	136-22-029J	1997	\$53.91
136-09-003Z	1993	\$68.33	136-22-029J	1998	\$49.80
136-09-003Z	1994	\$64.02	136-22-029J	1999	\$326.39
136-09-003Z	1995	\$62.31	136-22-029J	2000	\$377.92
136-09-003Z	1996	\$57.48	136-22-029J	2001	\$379.58
136-09-003Z	1997	\$54.26	112-19-062	1977	\$3,458.81
136-09-003Z	1998	\$50.15	124-52-019C	1994	\$439.25
136-09-003Z	1999	\$45.54	124-52-019C	1995	\$423.11
136-09-003Z	2000	\$41.43	124-52-019C	1996	\$368.50
136-09-003Z	2001	\$44.40	124-52-019C	1997	\$327.01
136-09-003Z	2002	\$41.86	124-52-019C	1998	\$215.47
136-09-003Z	2003	\$36.72	124-52-019C	1999	\$154.95
136-09-003Z	2004	\$89.50	124-52-019C	2000	\$271.26
136-09-003Z	2005	\$93.65	124-52-019C	2001	\$281.88
950-00-596	1990	\$4,899,051.15	124-52-019C	2002	\$392.64
141-07-319	2005	\$27.30	124-52-019C	2003	\$381.78
136-22-029J	1994	\$88.69	124-52-019C	2004	\$355.27
136-22-029J	1995	\$61.97	124-52-019C	2005	\$334.86
136-22-029J	1996	\$57.14			

**IGA WITH CITY OF EL MIRAGE FOR LAW ENFORCEMENT CAPTAIN SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) for Law Enforcement Captain Services between the City of El Mirage and Maricopa County, pursuant to A.R.S. §11.951 et seq. Maricopa County, through the Sheriff's Office, which shall provide one Captain to lead law enforcement operations for the City of El Mirage. The City of El Mirage will pay Maricopa County \$74,574 for eight months of service in FY 2005-06 (\$111,861 annualized). The term of this agreement is November 1, 2005 through June 30, 2007. (Addendum item A-2) (C5006031200)

**TRANSFER EXPENDITURE AUTHORITY FOR TAX DEED SERVICES**

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Treasurer's Office (430) General Fund (100). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (Department 470, Fund 100) Contingency (4711) by \$185,666 and increasing the FY 2005-06 Treasurer's Office (430) General Fund (100) by \$185,666. These adjustments will result in a countywide net impact of zero. Approval of this action will fund contractors to provide tax deed services relating to statutory requirements for the issuance of a Treasurer's Deed, which was procured through a Request for Proposal by the Treasurer's Office. The term of the contract will cover a three-year period

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(\$185,666 per year) with the option of renewal for a maximum three additional years. The Treasurer's Office will provide an annual report, delivered to the Maricopa County Board of Supervisors and the Office of Management and Budget (OMB), that outlines the progress of the contract, including: (Addendum item A-3) (ADM4000-003)

- o The number of properties that have been abated along with the dollar figure of back taxes collected.
- o The number of properties that have been redeemed by owner along with the dollar figure of back taxes collected.
- o The number of properties that have become county property and have been sold at auction. This will include the associated final sale dollar figure.

There will also be an annual review, for the purpose of right-sizing program and funding levels, which will be performed jointly by the Treasurer's Office and OMB at the end of the initial three years. If there is no need to continue this program, the Treasurer's Office budget will be reduced by \$185,666. (C4306001M00)

(Note: Dave Schweikert, County Treasurer, asked to speak on this item and on addendum item A-8.) Mr. Schweikert said he believed this item could prompt enough public interest to generate phone calls to the Supervisors' offices as well as to his office and he would like to brief them ahead of time. He said the item covers something the County should have been doing for years.

He explained that when properties taxes are not paid for a number of years, and the lien not sold at the annual Treasurer's Tax Lien Sale, the statutes outline a procedure whereby the property can be assigned a "Treasurer's Deed" and subsequently sold at public auction. These properties are commonly called "tax-deeded" properties or parcels. He added that he has discovered some tax deeded properties that have been "carried" since the 1950s. Some of these properties are little wedges, some are part of people's yards or the land under their bedrooms, others may be pieces of a roadway. He referenced a map showing the first 1,000, of a total of 3,000 parcels, that have been found. The process of either foreclosing or contacting the adjoining property owner has already been started on the first thousand. He said, "This is incredibly tedious because we look at the aerial map of every single one of them." He reported that there are several locations in Mesa where people's back yards had somehow been "cut out" years ago, and it was never discovered or rectified.

Mr. Schweikert observed that this is the kind of situation where property owners will receive a letter and become very alarmed to learn that their property is not intact. He said the he hoped this type of property lien could be quit claimed and easily resolved. However, he said, that in many instances the only way to resolve the problem would be to do the tax lien and tax debt foreclosure, and have the person come to the next Tax Deeded Property Sale to bid on his property. He explained that this increased work load would be shared by the Clerk of the Board's Office next spring when the first big auction is held because all of the adjoining property owners will have to be re-contacted and notified of the sale and the intricacies of the auction would have to be determined and implemented. He reported that, in approximately three-years, when these liens have all been resolved there could be a resulting positive return to the County of as much as \$3 to \$4 million.

He said the first Tax Deeded Land Auction in 13 years had been held in 2004. Only 26 properties had been sold and these had netted \$135,000. The sale also put these properties back on the tax rolls to generate additional revenue. He warned, "This is one of those projects that will take a lot of time and a lot of work, and everything I do gets pushed up to your Clerk's office." He said that not all sites are small,

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some large sites are multi-million dollar properties while with others, "I can't figure out how they even got a parcel number. One of them isn't much bigger than this podium."

Chairman Wilson asked for assurance that all adjoining property owners would be notified prior to the sale. Mr. Schweikert replied that this would fall upon the staff of the Clerk's Office. Clerk of the Board Fran McCarroll recalled the amount of detail and phone work that had fallen on her staff the previous year with only 26 parcels and said, "The large number of properties for the next sale could easily be like floodgates being opened on us."

Supervisor Wilcox clarified with Mr. Schweikert that there are 3,000 parcels and the expectation is to auction 1,000 a year for the next three years. She also commented that there would be a need to provide additional help in the Clerk's Office for this project. The Chairman agreed that this would be done at the appropriate time.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority as requested above.

**IGA WITH FORT MCDOWELL YAVAPAI NATION FOR PASS-THROUGH FUNDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County Manager's Office, via an intergovernmental agreement (IGA) between Maricopa County and the Fort McDowell Yavapai Nation, to pass through Proposition 202 Gaming Funds in the amount of \$245,000 in FY 2005-06, and to authorize the Chairman of the Maricopa County Board of Supervisors to sign the IGA, approve the grant funds if awarded, and authorize the County Manager's Office to pass through the funds as follows: (Addendum item A-4)

- \$70,000 to Mesa Unified School District
- \$114,000 to Fountain Hills Unified School District
- \$16,000 to Tempe Accelerated High School LLC
- \$45,000 to Los Ninos Hospital Incorporated

This action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2005-06 revenue and expenditure budgets by \$245,000, and the creation of four new line items in General Government (470) General Government Grant Fund (249) Other Programs (4712) entitled "Mesa Unified School District-Fort McDowell Yavapai Nation", "Fountain Hills SD No. 98-Fort McDowell Yavapai Nation", "Tempe Accelerated High School LLC-Fort McDowell Yavapai Nation", and "Los Ninos Hospital-Fort McDowell Yavapai Nation". Maricopa County will act as the pass-through agency for the recipients and will pass through the entire amount of the grant over the fiscal year. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. This grant award period is from the date of the award to June 30, 2006. Pursuant to ARS § 11-254.04, the Board found that this distribution of funds will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of Maricopa County. (C2006022000)

**GRANT WITH ST. LUKE'S HEALTH INITIATIVES FOR KEY COMMUNITY PARTNERSHIP**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept and approve Grant No. 25101986HNK with St. Luke's Health Initiatives for the Key Community

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Partnership Grant on behalf of the Maricopa County Department of Public Health (MCDPH). The term of the grant is from December 1, 2005 through January 31, 2011, with a dollar amount not-to-exceed \$250,000 over the five-year period. For the entire multi-year duration of Grant No. 25101986HNK St. Luke's Health Initiative, no general funds will be used to either sustain or supplement the grant. MCDPH's indirect cost rate is 16.7%. The grantor does not allow indirect costs under this grant. Unrecoverable indirect costs are estimated at \$35,720. Approve revenue and expenditure adjustments to the Public Health Department's Grant Fund (Department 861, Fund 532) associated with the grant in an amount not-to-exceed of \$250,000 over the next five years. The appropriations adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (Addendum item A-5) (C8606012301)

**APPOINTMENTS OF THE PHOENIX EMA RYAN WHITE TITLE I PLANNING COUNCIL**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to confirm the following individuals as members of the Phoenix EMA Ryan White Title I Planning Council for a term of November 1, 2005 through October 31, 2007: (Addendum item A-6)

<b>Name</b>	<b>Representation</b>
Colin Sheffield	Institutional Member
Jacquelynn Meeks	Service Provider, Public Health
Jesus Arellano	General Public Member
J. Antonio Escalante	Institutional Member
Luis Garcia	General Public Member

This action adds the following ethnicities/genders to the Planning Council membership: one female, four males, one African American, one Caucasian, and three Hispanics.

Confirm Carol McFadden, as alternate for Jacquelynn Meeks as Service Provider, Public Health representation, of the Phoenix EMA Ryan White Title I Planning Council. (C8606036900) (ADM2153-001)

**MEMORANDUM OF AGREEMENT WITH ADHS FOR INFLUENZA VACCINE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Memorandum of Agreement between the Maricopa County Department of Public Health (MCDPH) and the Arizona Department of Health Services (ADHS), which provides the details of MCDPH's acquisition and distribution of influenza vaccines from ADHS. (Addendum item A-7) (C8606803000)

**SOLICITATION SERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following item is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (Addendum item A-8) (ADM3005)

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**Award of Solicitation Serials**

- 05160-S Tax Deed Services** (\$560,000 estimate/three years with three one-year renewal options). Pricing agreement to provide services relating to statutory requirements for the issuance of a Treasurer's Deed. This is a multiple award contract with all work being assigned equally to all contractors. The county has pre-determined the compensation for these services.
- o Carson Messinger Elliott Laugh
  - o Security Title Agency
  - o Tiffany & Bosco P.A.

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Blue Crowley, citizen, congratulated the County for the action taken to bring about the "Campus for the Homeless" and said that he hoped Mr. Smith's presentation showing the progress already made to the MAG (Maricopa Association of Governments) members would prompt all cities and towns in the County to contribute their fair share of remaining funding. He also referenced a recent public hearing that he attended on what is being done with the Prop 400 monies. His concerns focused on incorporated portions in the eastern half of the County that had been omitted from the official map, as had northern areas in Cave Creek and Carefree. He said Prop 400 plans for busing also omit approximately the same general areas and questioned the fairness of this when all pay taxes. He felt that MAG representatives, "don't seem to understand that the region that is paying all the money for the Regional Transportation Plan is Maricopa County, and unless they take care of all of Maricopa County with those funds ... they're not getting the job done correctly." (ADM605)

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox recognized Richard Salinas who passed away last week and who had been a long-term eligibility worker for the County. She said he had taken particular notice of those with special needs, especially those registered with AHCCCS as he was very knowledgeable on its intricacies. She added that each year she gathers 700 inner-city children who live around Bank One Ballpark and who have never been inside it and takes them all to a D-backs ball game, Mr. Salinas always volunteered to help her in this endeavor. She said, "He will be sorely missed – he was just a health-warrior for the County." (ADM606)

Chairman Wilson commented on the increased amount of littering in the County. He asked everyone to start being aware of this and for cities, County and state to start enforcing laws concerning it.

Supervisor Brock added that the State of Arizona formerly had several million dollars set aside to contract for litter pickup and since their recent economic crisis that budget has been severely cut back. This leaves it to civic minded groups to sponsor litter pickup. Unfortunately, the public starts to litter again when an area has been cleared. He indicated that this has to become an ongoing effort to educate the public. He said that each Supervisorial District needs to conduct a hazardous waste cleanup. He said that these "are monumentally successful and welcomed by citizens as it gives them a legal way to dispose of any hazardous waste products they have accumulated. He said he has seen people show up at a cleanup with 60 or 100 cars waiting in line as early as 8:00 a.m. to deposit their hazardous waste products – the substances that cannot be sent to the public landfill such as paints, oil drained from your car, freon, etc.

**~ Supervisor Stapley left the meeting and would not return ~**



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Supervisor Wilcox said she had a check for the County of \$257,344 to be shared between the Homeless Campus and an Adult Education Program run by the Community College. The donation is from the Salt River Pima Maricopa Indian Community.

**~ Chairman Wilson ordered a five-minute break at this time ~**

Please note that Code Enforcement matters are of a quasi-judicial matter and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred.  
New evidence is not considered at these hearings.

**CODE ENFORCEMENT REVIEW – BARRY AND JULIE LYNCH**

This is the time for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2004-01110, Barry and Julie Lynch. (Supervisory District 1) (ADM3417-031)

Darren Gerard said this violation began on February 28, 2003, when Mr. Lynch applied for building permits for a single family residence and an attached accessory shed. These applications lacked sufficient information and Mr. Lynch did not resubmit the applications until March 2005. Previous inspections had revealed that construction of the residence and shed had proceeded without benefit of permits. On September 27, 2005, a Zoning Hearing was conducted and the Hearing Officer imposed a fine of \$300 plus \$30 per diem until compliance was verified. Mr. Lynch appealed that decision but failed to state any argument. Staff is asking that the judgment be upheld and all accrued fines be paid. These fines now total \$1,830. If compliance is achieved by December 1<sup>st</sup> all fines would be suspended. Mr. Gerard did not think it likely that this was enough time for plan approvals, issuance of permits, and inspections so that compliance could be achieved. He said that because they built without getting permits the buildings had been completed without any building inspections being made. This creates difficulties in making some of the necessary inspections on an existing structure. Discussion ensued on this matter.

Dean Ashworth, an architect, appeared to argue the case for Mr. and Mrs. Lynch. He presented a 22 page history giving the applicant's perspective and paraphrased this for the Board. He began by saying that the Lynch's admit to a violation in building their home without a permit. However, Mr. Lynch did come to the County voluntarily to ask what he had to do to permit his home. He received a packet and tried to do the drawings himself but they were termed unacceptable. Mr. Ashworth was retained by Mr. Lynch in March 2005 to help him and this firm completed as-builts and construction documents on the buildings along with a grading and drainage plan. They submitted the site plan, construction documents and grading and drainage to the Planning Dept. in March and April, 2005. They received the plans back with comments, one of which was that there was too much information on the site plan and to remove it and re-file the revised plan. They included plans for a sunshade for the owner's donkeys on the new plan. He said they have asked Planning for comments on the status of the latest set of plans, all of which they were told were okay but there were possible problems on the grading and drainage plans. Mr. Ashworth called the head of grading and drainage, "Frank," who said he could not find the plans submitted in April 2005, so he resubmitted them. He said that all they want is to find out what is necessary or required so they can finish this project.

Supervisor Brock asked what concerns were uppermost in their appeal in why this has taken so long. Mr. Ashworth said he considered that there had been too many situations where plans were submitted and sent back for additional information. He explained that he has been the architect for many luxury resorts

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and these hadn't taken so long and he'd had fewer problems than in getting permits from the County for the few simple buildings the Lynches had built. Discussion ensued on various difficulties in meeting specifications and in knowing what the County requires.

Supervisor Brock said that the Planning Staff has endeavored to work with the applicant for several years to bring them into compliance. The fine is now \$1,830, Supervisor Brock's recommendation was that everything be completed on this case in two weeks and if compliance is achieved prior to the next Board meeting on December 7, there is a possibility the fines could be waived.

Supervisor Wilcox said the Hearing Officer's recommendation had been for compliance by December 1 for the fines to be waived. She asked if the motion would be better served to just accept the Hearing Officer's recommendation and leave the date at December 1.

Supervisor Brock asked for feedback from staff on an acceptable date.

Mr. Ashworth pointed out that the applicant would do everything they can but they have no control over the staff's approval process of their application. He said, "We'll give staff everything they need overnight."

Mr. Gerard said there are three pending permits for this site, the two original permits applied for in 2003 and the new 2005 permit for the donkey shed. He said the first two are holding for the residence permit to be issued establishing the primary use. This is necessary before they can obtain a zoning clearance. In regard to the new single-family residence, it is signed off except for the drainage review. He said the grading and drainage plan does not match the approved site plan, and referenced a previous site plan that had not been approved. He said they would need to present a new, revised site plan, a complete package.

The Chairman asked if Planning would make someone available for the applicant to discuss this with.

Mr. Gerard said a meeting could be set for next Friday with the architect, and the architect responded that he would be available on that date. Mr. Gerard said if the applicant can make a complete resubmittal on Friday, Planning would have the review rushed in an endeavor to meet the December deadline set by the Board. He said if compliance is met by December 1, Mr. and Mrs. Lynch would have met the judgment set by the Hearing Officer and all fines would be suspended.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reschedule this item to the December 7, 2005, Board meeting for a status report and final determination.

**~ Chairman Stapley left the meeting and would not return ~**

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

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**CONSENT AGENDA DETAIL:**

1.     **S2001-050     District 4**  
      **Applicant:**   The Logics Group, Inc.  
      **Location:**   East of the southeast of the corner of Glendale Avenue and Litchfield Road, at the southeast corner of Glendale Avenue and 137<sup>th</sup> Avenue (in the west Glendale area)  
      **Request:**     Final Plat in the R1-35 and C-2 PD zoning districts for Luke Ranch Estates (approx. 44.01 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA DETAIL:**

2.     **S2005-024     District 3**  
      **Applicant:**   Stanley Consultants, Inc. for Pulte Homes  
      **Location:**   Southwest corner of Gavilan Peak Parkway and Daisy Mountain Drive (in the Anthem area)  
      **Request:**     Final Plat in the R1-6 RUPD and R1-18 RUPD zoning districts for Anthem Unit 71 (approx. 65.60 gross acres)

Darren Gerard said this item would have been on the Consent Agenda but it does not comply with some strict language regarding the Maricopa Trail easement. The applicant is working on this with the Parks Department. Staff recommends approval, feeling the problem will be resolved.

Supervisor Kunasek asked about the trail alignment codification into the plat. Mr. Gerard said that the tract composed of Dead Man's Wash is labeled as being subject to the trail easement. The actual trail will be within that recognized trail easement within Tract B, and Parks and Recreation will ultimately delineate the trail's placement.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Max W. Wilson, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board